

FISCAL NOTE

SB 3609 – HB 4022

February 5, 2008

SUMMARY OF BILL: Requires any voting system purchased or leased with federal, state or local funds after the effective of this act to provide the ballot of record to be a paper ballot marked by the voter (optical scan or touch-screen machines), with appropriate accommodation for persons with disabilities. Requires such ballot to be available to the voter to verify the vote and requires the system to maintain the secrecy of the voter's choices. The county election commissions are authorized to expedite the replacement or modification of any systems not in compliance as soon as practical.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$25,000,000/One-Time

Assumptions:

- According to the State Coordinator of Elections, the implementation of the optical scan voting system to replace the voting systems in 93 Tennessee counties that now use Direct Recording Electronic Voting machines (DREs) will result in a one-time increase in state expenditures of approximately \$25,000,000.
- Two counties, Pickett and Hamilton currently have optical scan machines.
- There are approximately 2,500 precincts in Tennessee.
- Each precinct would need at least one scanner and one marking device for voters with disabilities. Scanners and marking devices would cost approximately \$5,000 each. ($\$5,000 \times 2 \text{ devices} = \$10,000 \text{ each precinct} \times 2,500 \text{ precincts} = \$25,000,000 \text{ statewide}$).
- According to the State Coordinator of Elections, the Federal Election Assistance Commission has ruled that states with HAVA-compliant systems cannot use HAVA money to replace one compliant system with another compliant system. Thus, if Congress passes legislation requiring a voter-verified paper audit trail, Tennessee could use HAVA money for a replacement system, but if the state legislature passes such a bill, Tennessee is prohibited from using HAVA money.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

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